

Henry F. Bailey, Jr. #5-1681
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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF WYOMING

UNITED STATES OF AMERICA)	
Plaintiff)	
)	Case No. 21-CR-00138-ABJ
v.)	
)	
JOHN ELDON RIMMASCH,)	
and WASATCH RAILROAD CONTRACTORS)	
Defendants.)	

**NOTICE OF THIRD PARTY INTEREST AND OBJECTION TO FORFEITURE OF
 SPOUSE'S INTEREST IN JOINTLY OWNED PROPERTY**

Becky Lyn Rimmasch was married to the Defendant, John Eldon Rimmasch, on June 1, 1999. She is the joint owner of the parties' home located at 831 Shadow Mountain Trail, Cheyenne, Wyoming, more fully described as Western Hills North: Lot 6, Block 65. Deed: 2398 WD 733, 07/18/2014, which is one of the properties subject to the Court's Preliminary Forfeiture Order. Because they are husband and wife, Becky and John Rimmasch own the property as tenants by the entireties. *Fuger v. Wagoner*, 478 P.3d 176, 182 (Wyo. 2020). Neither spouse in a tenancy by the entirety can separately or independently sever the estate, nor can a judgment creditor execute a judgment against one spouse on the property. *Id.*

The marital home at 831 Shadow Mountain Trail is not connected in any way to Defendant John Eldon Rimmasch's criminal activities, but is argued by the prosecution to be 'substitute property' subject to forfeiture. If the marital home is not properly substitute property, it cannot be forfeited in this case. If, however, it is properly subject to forfeiture, only the Defendant's

interest in the property is subject to forfeiture. But under no circumstance is the government entitled to forfeiture of Becky Lyn Rimmasch's equity in the property. *United States v. Lester*, 85 F.3d 1409, 1413 (9th Cir. 1996).

Upon the government's final publication of notice and delivery of notice to Becky Lyn Rimmasch, Becky Lyn Rimmasch will file her sworn petition asserting her legal interest in the subject property. 21 U.S.C. 853(n); Rule 32.2(b)(6)(A) *Federal Rules of Criminal Procedure*.

Respectfully submitted this 30th day of June, 2022.

BAILEY | STOCK | HARMON | COTTAM | LOPEZ LLP

/s/ Henry F. Bailey Jr.

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Attorneys for Becky Lyn Rimmasch

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing ***Response*** were served electronically via the CM/ECF filing system on this 30th day of June, 2022, to:

Stephanie I. Sprecher
Assistant U.S. Attorney
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Richard H. Baird
US Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202

/s/ Henry F. Bailey Jr.

Henry F. Bailey Jr.